

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MOTION TO ENTER CONSENT DECREE

Plaintiff United States of America, on behalf of the United States Environmental Protection Agency (“EPA”), submits this Motion to Enter Consent Decree and accompanying Memorandum In Support of Motion to Enter Consent Decree. This is an action brought by the United States under the Clean Water Act (“CWA”), 33 U.S.C. § 1251 *et seq.*, against AK Steel Corporation (“AK Steel”) with respect to its Mansfield Works facility (the “Facility”), located at 913 Bowman Street, in Mansfield, Richland County, Ohio. At the Facility, AK Steel melts scrap steel, metal alloys, and other additives, using two electric arc furnaces to produce slabs that are rolled into steel coils.

On April 19, 2005, the United States filed a complaint (“Complaint”) and simultaneously lodged a proposed consent decree with the Court resolving the issues alleged in the Complaint. Consistent with 28 C.F.R. § 50.7, notice of the lodging of the proposed consent decree (“Consent Decree”) was published in the Federal Register on April 28, 2005, 70 Fed. Reg. 22,062 (Apr. 28, 2005). The notice invited the public to comment on the proposed settlement for a period of thirty (30) days commencing on April 28, 2005. Subsequently, the United States received one comment regarding the proposed settlement, from a resident of New Jersey, which opposed entry of the proposed Consent Decree. The public comment stated, in its entirety, as follows: “I

oppose such a cheap penalty as \$187,500 to be paid by this polluter. This allowance of such low penalties allows polluters to continue their polluting. I think the penalty should be in the order of \$2,850,000.00. We need to make sure polluters get the message. I think this is far far too low a penalty." (See Attachment 1.)

The United States has carefully considered the comment received on the Consent Decree and, after such consideration, has determined that the proposed Consent Decree is fair, adequate, reasonable and consistent with the purposes of the CWA. The settlement is also in the public interest as it provides for AK Steel to pay an appropriate civil penalty for the violations alleged of the CWA. Further, the comment received did not raise any issues not previously considered by the United States that would cause it to withdraw its consent to the Consent Decree. Therefore, for the reasons set forth herein and in the accompanying Memorandum In Support of Motion to Enter Consent Decree, the United States respectfully moves this Court to approve, sign, and enter the Consent Decree lodged with this Court on April 19, 2005.

Respectfully Submitted,

KELLY A. JOHNSON
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Division

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CERTIFICATE OF SERVICE

I hereby certify that on this____ of June, 2005, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. A copy of this has been sent via regular U.S. Mail to:

John J. Kuzman, Jr.
Chief, Compliance Officer
AK Steel Corporation
703 Curtis Street
Middletown, OH 45043-0001

/s/ James L. Bickett
James L. Bickett
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